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Letter dated 17 January 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, containing an account of the Committee's activities from 1 January to 31 December 2005 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

In this connection, I would appreciate it if the present letter and its annex were to be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Oswaldo de **Rivero**
Chairman
Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

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Annex

Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo covers the period from 1 January to 31 December 2005.

2. For 2005, the Bureau consisted of Abdallah Baali (Algeria) as Chairman and members of the delegations of Benin and the Philippines as Vice-Chairmen (see S/2005/3).

II. Background

3. By paragraph 20 of resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri and on groups not party to the global and all-inclusive agreement in the Democratic Republic of the Congo. The resolution also provided for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to monitor diligently the situation with regard to arms supply and the position and movements of armed groups.

4. By its resolution 1533 (2004), the Security Council established the Committee to, inter alia: (a) seek information from States regarding implementation of the arms embargo; (b) examine and take action on reported alleged violations; (c) report to the Council on ways to strengthen the arms embargo; and (d) consider notifications related to the supply of non-prohibited military equipment or assistance.

5. In paragraph 10 of resolution 1533 (2004), the Council requested the Secretary-General, in consultation with the Committee, to establish a group of experts to undertake a series of tasks related to the monitoring of the arms embargo. The group of experts was re-established for three subsequent periods, pursuant to resolutions 1552 (2004), 1596 (2005) and 1616 (2005), respectively.

6. By its resolution 1596 (2005), the Security Council extended the arms embargo to any recipient on the territory of the Democratic Republic of the Congo, with exemptions that included the army and police of the country, under certain conditions. The resolution also provided for the application by the Committee of restrictions on travel abroad and a freeze on assets of persons and entities acting in violation of the arms embargo. In its resolution 1616 (2005), the Council renewed the arms embargo and restrictions on travel abroad and the freeze on assets until 31 July 2006. In its resolution 1649 (2005), the Council extended the scope of the travel restrictions and the freeze on assets, with effect from 15 January 2006, to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo or Congolese militias receiving support from abroad who impede the disarmament of their combatants.

III. Summary of the activities of the Committee

7. During the reporting period, the Committee held two formal meetings and 15 informal consultations. The Committee also issued a note verbale on 11 May 2005, calling the attention of Member States to their obligations under resolution 1596 (2005) and, pursuant to paragraph 20 of that resolution, seeking information on steps they had taken to enforce the measures imposed.

8. During the reporting period, the Committee received replies from 16 States in response to the requests contained in resolution 1596 (2005) (see appendix).

9. On 21 June and 12 October 2005, respectively, the Committee sent notes verbale to all States conveying the preliminary and revised lists of receiving sites for supplies of arms and related materiel or technical training and assistance intended solely for support of or use by units of the army and police of the Democratic Republic of the Congo, provided by the Government of the Democratic Republic of the Congo pursuant to paragraph 4 of resolution 1596 (2005).

10. In accordance with paragraph 2 (c) of resolution 1596 (2005), three States notified the Committee of the export of non-lethal military equipment to the Democratic Republic of the Congo. In a letter dated 21 September 2005, the Permanent Representative of Belgium to the United Nations informed the Committee that, in accordance with paragraphs 2 (a) and 4 of resolution 1596 (2005), his Government was providing, free of charge, military equipment and related material to the Government of National Unity and Transition of the Democratic Republic of the Congo.

11. Cognizant of the important role played by States of the region in implementing the arms embargo, under the terms of paragraph 8 (a) of resolution 1533 (2004), which charges the Committee with requesting relevant information from States, including by providing States with an opportunity to send representatives to meet with the Committee for more in-depth discussions of relevant issues, the Committee benefited from discussions with representatives from concerned States at several of its meetings, including: the Permanent Representatives of South Africa and Burundi to the United Nations on 27 January 2005; the Permanent Representative of the Democratic Republic of the Congo to the United Nations and the chargé d'affaires of the Permanent Mission of Uganda to the United Nations on 31 January 2005; the special envoy of the President of Rwanda to the Great Lakes region on 1 February 2005; the Permanent Representatives of Burundi, the Democratic Republic of the Congo and Uganda to the United Nations on 27 June 2005; and the Permanent Representative of Rwanda to the United Nations on 3 October 2005.

12. At informal consultations on 9 August 2005, the Committee discussed draft procedures for establishing and maintaining a list of individuals and entities subject to the measures imposed by paragraphs 6, 10, 13 and 15 of resolution 1596 (2005) and approved the temporary use of the guidelines for the conduct of work of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire for establishing its list. On 1 November 2005, the Committee designated a list of persons and entities subject to travel restrictions and the freezing of assets contained in resolution 1596 (2005). On 14 December 2005, the Committee received additional information from the Permanent Mission of Germany to the United Nations concerning an entry on the list. The latest version of

the list is available on the Committee's website (http://www.un.org/Docs/sc/committees/DRCTemplate.htm).

13. The report of the Group of Experts on the Democratic Republic of the Congo established pursuant to resolution 1552 (2004) was submitted to the Committee on 4 January 2005. After discussion, the report was forwarded to the Council on 25 January 2005 for its consideration (S/2005/30).

14. On 26 April 2005, in response to allegations regarding the work of the Group of Experts established pursuant to resolution 1552 (2004), the Committee issued a press release, noting that it was fully satisfied with the Group's explanation and reaffirming its support for the Group.

15. The report of the Group of Experts on the Democratic Republic of the Congo established pursuant to resolution 1596 (2005) was submitted to the Committee on 5 July 2005. After discussion, the report was forwarded to the Council on 26 July 2005 (S/2005/436). On 28 July 2005, the report was considered in informal consultations of the Security Council, as part of the Council's review of the sanctions regime.

16. In its midterm report, submitted to the Committee on 25 November 2005, the Group of Experts on the Democratic Republic of the Congo established pursuant to resolution 1616 (2005), reiterated information contained in previous reports, to the effect that foreign and Congolese armed groups continued to destabilize the peace process in the east and that the Group was attempting to identify the sources of the illegal arms traffic by tracking the origin of some 3,000 weapons captured or surrendered in North Kivu. The Group expressed concern that airports without customs control were still being used at the country's entry and exit points for lack of a well-functioning civil aviation system. With regard to customs control, the porosity and length of the borders of the Democratic Republic of the Congo with its neighbours, the lack of adequate monitoring of its land and lake borders and the numerous possibilities for smuggling continued to be aggravating factors in the failure to implement the arms embargo in the Democratic Republic of the Congo. The Group is also conducting investigations into various financial aspects of violations of the arms embargo, as well as into the illegal exploitation of natural resources, which was financing certain militias. The Group of Experts also expressed satisfaction at the cooperation it was receiving from MONUC in terms of exchanging information and logistical support.

17. The Group of Experts called the attention of the Committee to the fact that some time ago it had addressed requests for information to the Governments of Rwanda and Uganda, and more recently to the Government of the Democratic Republic of the Congo, to which it had received either no response or incomplete or inaccurate information. On 6 December 2005, in informal consultations, the Committee requested the Chairman to write to these Governments in order to assist the Group of Experts in completing its work.

Appendix

Replies received in accordance with paragraph 20 of resolution 1596 (2005)

State or organization	*Date of communication*	*Symbol*
Rwanda	1 June 2005	S/AC.43/2005/1
Canada	2 June 2005	S/AC.43/2005/2
Switzerland	2 June 2005	S/AC.43/2005/3
Norway	6 June 2005	S/AC.43/2005/4
South Africa	10 June 2005	S/AC.43/2005/5
Uganda	27 June 2005	S/AC.43/2005/6
	30 June 2005	S/AC.43/2005/6/Add.1
United Kingdom of Great Britain and Northern Ireland	27 June 2005	S/AC.43/2005/7
Sri Lanka	28 June 2005	S/AC.43/2005/8
Russian Federation	30 June 2005	S/AC.43/2005/9
Lithuania	14 July 2005	S/AC.43/2005/10
Portugal	14 July 2005	S/AC.43/2005/11
United Republic of Tanzania	21 June 2005	S/AC.43.2005/12
Burundi	29 July 2005	S/AC.43/2005/13
Democratic Republic of the Congo	15 August 2005	S/AC.43/2005/14
Brazil	18 August 2005	S/AC.43/2005/15
Japan	9 December 2005	S/AC.43/2005/16